

REMARKS

This Amendment is in response to the Non-Compliant Communication mailed June 4, 2008, having a one (1) month shortened statutory period for reply.

In particular, the Examiner stated that:

"The reply filed on 4/3/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): amended claim 1 does not reflect the limitations of claim 1 in the Amended Claims dated 8/2/07."

Applicants respectfully submit that an inadvertent error was made in recitation of the incorrect claim set and subsequent amendment of that incorrect claim set, which was filed in the April 3, 2008 Amendment.

To advance prosecution in light of the June 4, 2008 Non-Compliant Communication, applicants have cancelled claim 1 in favor of corresponding new claim 11 to eliminate confusion.

New claim 11 correctly reflects all substantive claim amendments, which should have been reflected in each of respective August 2, 2007 and April 3, 2008 Amendments (i.e., support for new claim 11 is found throughout the originally filed disclosure). In addition, new claim 11 recites the proviso "provided that R¹ is not pyridinyl" to correctly reflect antecedent basis to the variable term R¹ (i.e., support is found throughout the originally filed disclosure and at page 2, line 3 of the specification). See Amendments to the Claims Section at page 2 to 4 ***supra***.

Claims 2 and 3 were cancelled in the August 2, 2007 Amendment, but were not cancelled in the April 3, 2008 Amendment. To correct that error, claims 2 and 3 now have been cancelled in the present response.

Claims 4, 5, 9 and 10 have been amended to be dependent from new claim 11 instead of cancelled claim 1.

Support for all claim and specification amendments are found in the originally filed specification and claims. No new matter has been added to the claims or specification by amendment.

For clarification of the record and to be fully responsive to the outstanding January 3, 2008 Office Action, applicants reiterate the entire April 3, 2008 Amendment as it relates to the presently pending claim set.

Claims 4, 5 and 9-11 are pending, claim 11 is newly added and claims 1-3 and 6-8 are cancelled in the above-identified patent application.

Applicants request consideration and entry into the record of the following amendments and remarks.

Notice To Comply

The Examiner states that while a copy of the “Sequence Listing” in computer readable format has been submitted, the content of that listing does not comply with the requirements of 37 C.F.R. § 1.82. As such, a copy of the “Sequence Listing” in computer readable format has not been submitted as required by 37 C.F.R. § 1.82.

Applicants have attached a new “Sequence Listing” in computer readable format which comply with the requirements of 37 C.F.R. § 1.82.

Rejection Under 35 U.S.C. §112 2nd paragraphs

Claim 7 is rejected under 35 U.S.C. §112, 1st para., as the specification, while being enabling for a method of inhibiting MMP-12, does not reasonably provide enablement for treating any inflammatory disease or autoimmune disorder.

Applicants have obviated the above-identified rejection by cancelling claim 7 in the above-identified application.

In light of the above, applicant requests that the above rejection under 35 U.S.C. § 112, 1st para., be withdrawn.

Rejection Under 35 U.S.C. §112 2nd paragraphs

Claims 1 is rejected under 35 U.S.C. §112, 2nd para., for being indefinite and for failing to particularly point out and distinctly claim the invention.

The Examiner states that the there is no support for the variables R³, R⁶, R⁷, R⁸, and R⁹ in claim 1, which are “no longer part of the [chemical] structure” in light of previous amendments.

In response, applicants reiterate that claim 1 was cancelled in favor of corresponding new claim 11 for reasons *supra*, such that the above-identified rejection is rendered moot.

New claim 11 does not recite the variables R³, R⁶, R⁷, R⁸, R⁹ and the phrase “provided that R² is not CO₂R⁷, when X is CONH₂”.

In light of the above, applicants request the above-identified rejection be withdrawn.

Allowable Subject Matter

Claims 4, 5, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable, if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants respectfully point out that amended claims 4, 5, 9 and 10 are properly dependent from new independent claim 11.

In light of the above, applicants request the above-identified rejections be withdrawn.

CONCLUSION

In view of the above amendments and remarks, applicant believes that the claims of the present application are in condition for allowance and is earnestly solicited .

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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